

REMARKS

Claims 1-15, 23, 29-34 and 36-38 were pending and rejected. Claims 1-4, 6-9, 11-15, 31-34 and 36 are being amended. Claims 3 and 29 are being canceled. Claims 1, 2, 4-15, 23, 30-34 and 36-38 are now pending. Reconsideration is respectfully requested.

Applicant would like to thank Examiner Lena Najarian and Examiner Carolyn Bleck for the interview of October 31, 2006, during which Applicant's representative and the Examiner's discussed the language of claims 1 and 33 and the amendments being entered herein.

In paragraph 2, the Examiner objected to claim 36 as failing to depend from another claim. Applicant is amending claim 36 to depend from claim 33.

In paragraphs 3 and 4, the Examiner rejected claims 1-8, 14, 15, 29-34, 36 and 37 under 35 USC § 102 as unpatentable over Leet. Claims 3 and 29 are being canceled. Independent claims 1 and 33 are being amended to read as follows:

1. A computer system for assisting a medical practitioner, comprising:
 - medical practitioner input means for receiving new patient data regarding a patient, a diagnosis regarding the patient, and a treatment plan for the patient from a medical practitioner;
 - first means for using a portion of the new patient data to access a standard diagnosis database to obtain standard diagnosis criteria, for comparing the diagnosis and the treatment plan against known patient data and known medical information; and for generating alarms if the diagnosis or treatment plan is inappropriate or advice regarding the diagnosis or the treatment plan;
 - second means for communicating the alarms, advice and diagnosis criteria to the medical practitioner; and
 - third means for implementing at least a portion of the treatment plan.

33. A computerized method for providing assistance to a medical practitioner, the method being accomplished using a personal communicator, a computer processor coupled to the personal communicator through a communications medium, a data storage medium coupled to the computer processor, and resources coupled to the computer processor, the method comprising:

entering new patient data into the personal communicator;
using a standard diagnosis criteria database and a portion of the new patient data to determine standard diagnosis criteria;

entering a diagnosis and a treatment plan into the personal communicator; comparing the new patient data, the diagnosis and the treatment plan against known patient data and against a medical database; and enabling, through the personal communicator, the following actions: initiating implementation of the treatment plan; displaying the standard diagnosis criteria to the medical practitioner; and displaying an alarm and a recommendation, and allowing the medical practitioner to revise the diagnosis and treatment plan.

Claims 1 and 13, as amended, similarly recite a mechanism for using a portion of the new patient data to determine standard diagnosis criteria for a medical practitioner. Leet describes a technique for improving drug treatment. Per her analysis of claim 3, the Examiner indicated that Leet, col. 3 lines 26-40, discloses producing standard diagnostic criteria. However, col. 3 lines 26-40 describe storing a diagnosis code that is used as a key to access information about the cause and treatment of disease conditions. It also indicates that the treatments may be stored in ranked order. Applicant respectfully submits that col. 3 lines 26-40 of Leet do not describe using a portion of the new patient data to determine standard diagnosis criteria. Accordingly, Applicant respectfully submits that independent claims 1 and 13 and claims 2, 4-8, 14, 15, 30-34, 36 and 37 dependent therefrom are patentable over Leet.

In paragraph 5, the Examiner rejected claims 9 and 10 under 35 USC 103 as obvious over Leet in view of Portwood. Specifically, the Examiner indicates that Portwood teaches testing for food interactions. However, Portwood does not describe using a portion of the new patient data to determine standard diagnosis criteria for a medical practitioner. Accordingly, Applicant respectfully submits that claims 9 and 10 are patentable over Leet in view of Portwood and respectfully requests that the rejection be withdrawn.

In paragraph 6, the Examiner rejected claims 11-13 and 38 under 35 USC 103 as obvious over Leet in view of Evans. Specifically, the Examiner indicates that Evans teaches testing for radiology/drug interactions and accepting clinical notes via a spoken rendering. However, Evans does not describe using a portion of the new patient data to determine standard diagnosis criteria for a medical practitioner. Accordingly, Applicant respectfully submits that claims 11-13 and 38

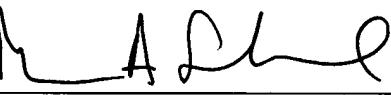
are patentable over Leet in view of Evans and respectfully requests that the rejection be withdrawn.

In paragraph 7, the Examiner rejected claim 23 under 35 USC 103 as obvious over Leet in view of Barry. Specifically, the Examiner indicates that Barry teaches a personal communicator with a red alert area and a yellow alert area. However, Barry does not describe using a portion of the new patient data to determine standard diagnosis criteria for a medical practitioner. Accordingly, Applicant respectfully submits that claim 23 is patentable over Leet in view of Barry and respectfully requests that the rejection be withdrawn.

If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned.

Respectfully submitted,

Date: 10/31/06

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